

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

MOTOROLA MOBILITY, INC. and  
GENERAL INSTRUMENT CORPORATION

Plaintiffs,

vs.

TIVO INC.,

Defendant.

Civil Action No. 5:11-00053-JRG

TIVO INC.,

Counterclaim Plaintiff

JURY TRIAL DEMANDED

v.

MOTOROLA MOBILITY, INC., GENERAL  
INSTRUMENT CORPORATION, TIME  
WARNER CABLE INC., and TIME WARNER  
CABLE LLC,

Counterclaim Defendants.

**STIPULATION AND JOINT MOTION TO DISMISS PURSUANT TO  
RULE 41 OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Pursuant to Rule 41 of the Federal Rules of Civil Procedure and the agreements of the Parties, Plaintiffs and Counterclaim Defendants Motorola Mobility, Inc. and General Instrument Corporation (collectively, "Motorola"), and Counterclaim Defendants Time Warner Cable, Inc. and Time Warner Cable LLC (collectively, "Time Warner Cable") and Defendant and

Counterclaim Plaintiff TiVo Inc. ("TiVo") (collectively the "Parties"), by and through counsel, hereby stipulate to the dismissal of this entire action as follows:

1. Motorola's Eighth and Ninth Causes of Action are dismissed with prejudice in their entirety. All other claims and counterclaims Motorola asserted against TiVo in the above-captioned action are dismissed with prejudice in their entirety, except that all Motorola claims and counterclaims asserting invalidity of TiVo's U.S. Patent No. 6,233,389 ("the '389 patent"), U.S. Patent No. 7,529,465 ("the '465 patent"), and U.S. Patent No. 6,792,195 ("the '195 patent"), are dismissed without prejudice.
2. All claims and counterclaims TiVo asserted against Motorola in the above-captioned action are dismissed with prejudice in their entirety, except that all TiVo claims and counterclaims asserting invalidity of Motorola's U.S. Patent No. 6,304,714 ("the '714 patent"), 5,949,948 ("the '948 patent"), and 6,356,708 ("the '708 patent"), are dismissed without prejudice.
3. All claims and counterclaims that TiVo asserted against Time Warner Cable in the above-captioned action are dismissed in their entirety without prejudice.
4. The Parties shall each bear their own costs and attorney's fees in this action.

Text of an Order of Dismissal has been lodged concurrently herewith.

Dated: July 25, 2013

Respectfully submitted,

By: /s/ Jennifer H. Doan

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INC. and TIME WARNER CABLE LLC**

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by certified mail, return receipt requested, on this the 25<sup>th</sup> day of July, 2013.

/s/ Sam Baxter  
Sam Baxter